



**CITY OF MORGAN HILL**

**CITY COUNCIL  
MORGAN HILL REDEVELOPMENT AGENCY**

**COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

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**COUNCIL MEMBERS**

Dennis Kennedy, Mayor  
Greg Sellers, Mayor Pro Tempore  
Hedy L. Chang, Council Member  
Steve Tate, Council Member  
Larry Carr, Council Member

**REDEVELOPMENT AGENCY**

Dennis Kennedy, Chair  
Larry Carr, Vice-Chair  
Hedy L. Chang, Agency Member  
Steve Tate, Agency Member  
Greg Sellers, Agency Member

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**WEDNESDAY, JULY 11, 2001**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL MEETING**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

*A Special Meeting is called at 5:30 P.M. for the purpose of conducting a Workshop (5:30 p.m. - 6:30 p.m.) followed by and Closed Sessions (6:30 p.m. - 7:00 p.m.).*

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**Dennis Kennedy, Mayor/Chairperson**

**5:30 - 7:00 P.M.**

**CALL TO ORDER**  
(Mayor/Chair Kennedy)

**ROLL CALL ATTENDANCE**  
(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**  
**Per Government Code 54954.2**  
(City Clerk/Agency Secretary Torrez)

## ***City Council Action***

### **WORKSHOP**

<b>Time Estimate</b>		<b>Page</b>
1. 60 minutes	<b><u>CIVIC CENTER SITE MASTER PLAN WORKSHOP</u></b> ..... 1 <b><u>Recommended Action(s):</u></b> 1. <b><u>Receive</u></b> Presentation from Noll and Tam Architects; and 2. <b><u>Comment</u></b> on Site Plan Options 1 through 4 of the Civic Center Site Master Plan.	

## ***City Council and Redevelopment Agency Action***

### **OPPORTUNITY FOR PUBLIC COMMENT**

#### **CLOSED SESSION:**

1.  
**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Initiation of litigation  
Authority: Government Code section 54956.9(b)  
One (1) case

2.  
**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Significant exposure to litigation  
Authority: Government Code section 54956.9(b)  
Two cases

3.  
**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
Authority: Government Code section 54956.9(a)  
Case Name: Del Priore v. City of Morgan Hill, et al.; U.S.D.C. Northern District No. C-01-20436

4.  
**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
Authority: Government Code section 54956.9(a)  
Case Name: City of San Jose v. MHUSD, et al.; Case No. 01CS00196, Santa Clara County Superior Court

5.

**CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION; CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Legal Authority: Government Code 54956.8 & 54956.9(c) (1 potential case)  
Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)  
Negotiating Parties:  
    For City/Agency: Agency Members; Executive Director; Agency Counsel; and F. Gale Conner, special counsel  
    For Property Owners: San Jose Christian College  
Closed Session Topic: Potential Litigation/Real Estate Negotiations

**6.**

**CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR**

Legal Authority: Government Code 54956.8  
Real Property Involved: 17.58 acre parcels located on the east side of Condit Road, bound by Condit Road, Tennant Avenue, Barrett Avenue and Murphy Avenue (APN 817-13-017)  
Negotiating Parties:  
    For City/Agency: City Manager/Executive Director; City Attorney/Agency Counsel; Director of Business Assistance & Housing Services  
    For Property Owners: Virginia Lomanto Trustee  
Closed Session Topic: Acquisition of Real Property

**ADJOURN TO CLOSED SESSION:**

**RECONVENE:**

**CLOSED SESSION ANNOUNCEMENT:**

**7:00 P.M.**

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CITY COUNCIL REPORT**

Mayor Tem Pro Sellers

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.**

## *City Council Action*

### OTHER BUSINESS:

	Time Estimate		Page
2.	30 minutes	<b><u>CIVIC CENTER SITE MASTER PLAN ALTERNATIVES</u></b> ..... 23 <i>Follow-up Discussion on Workshop Presentation by Noll and Tam Architects</i> <b><u>Recommended Action(s):</u></b> 1. <b><u>Provide</u></b> Director to Staff on a Preferred Scheme, and 2. <b><u>Direct</u></b> Staff to Complete a Final Layout Site Design for the Library Project.	

### CONSENT CALENDAR:

The Consent Calendar, Agenda Items #3 through #13 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	Time Estimate		Page
		<b>Consent Calendar: 1 - 10 Minutes</b>	
3.		<b><u>OUT OF AGENCY SERVICE REQUEST, OR-01-05: MONTEREY - MORGAN HILL BIBLE CHURCH</u></b> (Continued from 6/6/01) ..... 25 <b><u>Recommended Action(s): Approve</u></b> Resolution No. 5485 Approving an Extension of City Water and Sewer Service for the Morgan Hill Bible Church Located at 15055 Monterey Road. (APN 779-04-016 & 017.	
4.		<b><u>CONTRIBUTION TO SANTA TERESA CITIZENS ACTION GROUP FOR LEGAL FEES FOR CALPINE AIR PERMIT APPEAL PROCESS</u></b> ..... 45 <b><u>Recommended Action(s):</u></b> 1. <b><u>Authorize</u></b> Contribution to Fund Legal Fees of Santa Teresa Citizens Action Group for Appeal of Bay Area Air Quality Management District Permit Issued to Calpine Corporation; and 2. <b><u>Appropriate</u></b> \$7500.00 from the General Fund to the City Attorney's Budget.	
5.		<b><u>ADOPT RESOLUTION OF NECESSITY FOR PROPERTY ACQUISITION OF PROPOSED</u></b>	

	<b><u>BUTTERFIELD DETENTION BASIN</u></b> .....	47
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Invite</u></b> Public Comment;	
	2. <b><u>Adopt</u></b> Resolution No. 5494, Resolution of Necessity for Properties Identified as APN 825-06-03, 29 & 30 for the Proposed Butterfield Detention Basin and Future Park Use; and	
	3. <b><u>Approve</u></b> the Expenditure of \$1,674,000 for This Acquisition.	
6.	<b><u>ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR BARRETT OAK SUBDIVISION</u></b> .....	55
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Adopt</u></b> Resolution No. 5495 Accepting the Subdivision Improvements included in the Project commonly Known as Barrett Oak, and	
	2. <b><u>Direct</u></b> the City Clerk to File a Notice of Completion with the County Recorder's Office.	
7.	<b><u>APPROVAL OF SCOPE OF SERVICES AND AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT FOR TRAFFIC SIGNAL DESIGN AT THE TENNANT AVENUE/NORTHBOUND 101 OFF-RAMP INTERSECTION</u></b> .....	61
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Approve</u></b> the Scope of Services for the Design of a Traffic Signal at the Tennant Avenue/Northbound 101 Off-Ramp Intersection (Project Intersection); and	
	2. <b><u>Authorize</u></b> the City Manager to Execute the City's Standard Professional Services Agreement with Higgins Associates for Design Services for the Project Intersection in an Amount Not-to-exceed \$35,000. The Authorization is Subject to City Attorney Approval.	
8.	<b><u>VACATION OF A PORTION OF DIANA AVENUE</u></b> .....	71
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Adopt</u></b> Resolution No. 5496 Declaring Summary Vacation of a Portion of Diana Avenue Public Right-of-way Adjacent to APN 726-13-001 & -002 and Near Monterey Road for the Community Center Project; and	
	2. <b><u>Direct</u></b> the City Clerk to File a Notice of Completion with the County Recorder's Office.	
9.	<b><u>AUTHORIZE PROFESSIONAL SERVICES CONTRACT FOR DESIGN OF BOYS RANCH RESERVOIR #3</u></b> .....	77
	<b><u>Recommended Action(s):</u></b> <b><u>Authorize</u></b> the City Manager to Execute the City's Standard Professional Services Agreement with Schaaf & Wheeler for Design and Construction Administration Services for the Boys Ranch Reservoir #3, in the Not-to-exceed Amount of \$198,600.	
10.	<b><u>APPROVAL OF CONTRACT/FUNDING FOR CONTRACT/TEMPORARY ENGINEERING SERVICES</u></b> .....	83
	<b><u>Recommended Action(s):</u></b> <b><u>Approve</u></b> the Contract and Funding for One Temporary Full-time and One Contract Part-time Engineer.	
11.	<b><u>FINAL MAP ACCEPTANCE FOR TROVARE PHASE II (TRACT 9345)</u></b> .....	91
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Approve</u></b> the Final Map, Subdivision Agreement and Improvement Plans;	
	2. <b><u>Authorize</u></b> the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and	
	3. <b><u>Authorize</u></b> the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.	
12.	<b><u>CONTINUE OPPOSITION TO CALIFORNIA ENERGY COMMISSION SITING REGULATIONS</u></b> .....	101

**Recommended Action(s):** Authorize Staff to Continue Efforts to Protest Changes in Administrative Regulations for the California Energy Commission's Siting Process.

13. **APPROVAL OF CONTRACT FOR HOUSING ELEMENT UPDATE CONSULTANT SERVICES** ..... 117  
**Recommended Action(s):** Authorize the City Manager to Execute a Consultant Services Agreement for Contract Consultant Services at a Cost Not to Exceed \$50,000.

**PUBLIC HEARINGS:**

	Time Estimate		Page
14.	35 minutes	<b><u>ZONING AMENDMENT, ZA-00-14: OAK PARK - GENTILE</u></b> <i>(Continued from June 20, 2001)</i> ..... <b>Recommended Action:</b> Request staff presentation. Reconvene the Public Hearing. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action- <u>Motion to Waive</u> the Reading in Full of Zoning Amendment (ZA) Ordinance No. 1514, N.S.; <u>Motion to Introduce</u> Ordinance by Title Only.	119
15.	10 minutes	<b><u>TEXT AMENDMENT - REVISION TO RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) STANDARDS AND CRITERIA. APPLICATION ZA-01-08</u></b> <i>(Continued from June 20, 2001)</i> ..... <b>Recommended Action:</b> Request staff presentation. Reconvene Public Hearing. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance No. 1517, N.S. Amending the Standards and Criteria and Procedures of the Residential Development Control System.; <u>Motion to Introduce</u> Ordinance by Title Only.	149
16.	5 minutes	<b><u>DEVELOPMENT IMPACT FEE INFLATIONARY AUTOMATIC INCREASE</u></b> ..... <b>Recommended Action:</b> Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action -- <u>Motion to Adopt</u> Resolution No. 5497 Rescinding Resolution No. 5402 and Amending Resolution #4997 to Adjust the Traffic Impact Mitigation Fee per the Current Engineering News Record Construction Cost Index; and Action -- <u>Motion to Adopt</u> Resolution No. 5498 Rescinding Resolution No. 5403 and Amending Resolution No. 4930 by Increasing the Development Impact Fees per the Current Engineering News Record Construction Cost Index.	171
17.	60 minutes	<b><u>GPA-98-02 AND ZA-01-06: CITY OF MORGAN HILL - GENERAL PLAN UPDATE, REZONING OF EFFECTED PROPERTIES AND MASTER EIR</u></b> ..... <b>Recommended Action:</b> Request staff presentation.	179

Public Hearing opened.  
Please limit your remarks to 3 minutes. Public Hearing closed.  
Council discussion.  
Action – Motion to Adopt Resolution No. 5500, Certifying the Master EIR is Complete and Accurate.  
Action-- Motion to Adopt Resolution No. 5501, Approving the Draft General Plan, with the Amendments Recommended by the Planning Commission.  
Action- Motion to Waive the Reading in Full of the Zoning Amendment (ZA) Ordinance No. 1519, N.S. Approving the Zoning Map Amendments.  
Motion to Introduce Ordinance by Title Only.

18. 10 minutes **A REQUEST TO AMEND ZA-99-14: CITY OF MORGAN HILL COMMUNITY CENTER AND COMMUNITY PLAYHOUSE** ..... 181  
**Recommended Action:** Request staff presentation.  
Public Hearing Opened.  
Please limit your remarks to 3 minutes. Public Hearing closed.  
Council discussion.  
Action- Motion to Waive the Reading in Full of the Zoning Amendment (ZA) Ordinance No. 1520, N.S. ;  
Motion to Introduce Ordinance by Title Only.

**OTHER BUSINESS (continued):**

	Time Estimate		Page
19.	5 minutes	<b><u>NEW CITY LOGO TASK FORCE</u></b> ..... <b>Recommended Action(s):</b> <u>Appoint</u> Representative to Serve on the New City Logo Task Force.	191
20.	10 minutes	<b><u>MEASURE P APPEAL APPLICATION AP-01-01: COCHRANE - COYOTE ESTATES, MISSION RANCH AND ALICANTE DEVELOPMENTS</u></b> ..... <b>Recommended Action(s):</b> 1. <u>Approve</u> the Planning Commission's Supplemental Award of Building Allocations; and 2. <u>Deny</u> Remaining Appeal Items and <u>Adopt</u> Resolution No. 5473 with Findings.	193
21.	15 minutes	<b><u>HOUSING TYPE DISTRIBUTION AND TERM FOR THE 2001-02 MEASURE "P" COMPETITION (FY 2003-04 BUILDING ALLOTMENT)</u></b> ..... <b>Recommended Action(s):</b> <u>Adopt</u> Resolution No. 5499 Approving the Total Building Allotment and Distribution, and Authorizing a Measure P Competition to be Conducted During Fiscal Year 2001-02 for the Balance of the Fiscal Year 2003-04 Building Allotment.	207

## ***Redevelopment Agency Action***

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**Time**

**Estimate**

**Page**

**Consent Calendar: 1 - 10 Minutes**

22.            **ARCHITECTURAL SERVICES AGREEMENT FOR THE COMMUNITY PLAYHOUSE** . . . . 231  
              **Recommended Action(s): Authorize** the Executive Director to Prepare and Execute a Contract with ELS Architecture and Urban Design for the Schematic Design, Design Development, Bidding and Construction Documents Phases for the Community Playhouse at a Cost Not-to-Exceed \$277,000.

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954 .2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**